

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1882 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 6-8.1-10-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. (a) If a person
5 fails to file a return for any of the listed taxes, fails to pay the full
6 amount of tax shown on his return by the due date for the return or the
7 payment, or incurs a deficiency upon a determination by the
8 department, the person is subject to interest on the nonpayment.
9 (b) The interest for a failure described in subsection (a) is the
10 adjusted rate established by the commissioner under subsection (c),
11 from the due date for payment. The interest applies to:
12 (1) the full amount of the unpaid tax due if the person failed to
13 file the return;
14 (2) the amount of the tax that is not paid, if the person filed the
15 return but failed to pay the full amount of tax shown on the
16 return; or
17 (3) the amount of the deficiency.
18 (c) The commissioner shall establish an adjusted rate of interest
19 for a failure described in subsection (a) and for an excess tax payment
20 on or before November 1 of each year. For purposes of subsection (b),
21 the adjusted rate of interest shall be the percentage rounded to the
22 nearest whole number that equals ~~two (2) percentage points above~~ the
23 average investment yield on state money for the state's previous fiscal
24 year, excluding pension fund investments, as published in the auditor
25 of state's comprehensive annual financial report. For purposes of
26 IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment
27 is the percentage rounded to the nearest whole number that equals the

1 average investment yield on state money for the state's previous fiscal
2 year, excluding pension fund investments, as published in the auditor
3 of state's comprehensive annual financial report. The adjusted rates of
4 interest established under this subsection shall take effect on January
5 1 of the immediately succeeding year.
6 (d) For purposes of this section, the filing of a substantially blank
7 or unsigned return does not constitute a return.
8 (e) Except as provided by IC 6-8.1-5-2(e)(2), the department may
9 not waive the interest imposed under this section.
10 (f) Subsections (a) through (c) do not apply to a motor carrier fuel
11 tax return."
12 Renumber all SECTIONS consecutively.
(Reference is to HB 1882 as printed February 6, 2001.)

Representative KRUSE